

17-28-12 Removal from office and disciplinary action -- Appeals -- Hearing and determination -- Findings.

- (1) Any person holding a position under this chapter may be removed from office or employment, reduced in rank or grade, or otherwise disciplined by the fire chief for misconduct, incompetency, failure to perform the duties of his employment or to properly observe the rules of the office or department in which he is employed, or for other cause, as set out in County Fire Civil Service Council rules.
- (2) Any such disciplinary action is subject to appeal in all cases by the aggrieved party to the County Fire Civil Service Council in the manner established by rule. After an appeal is filed the council shall, as soon as practicable, hear and determine the matter.
- (3) If it determines that it is in the best interest of the county, the county legislative body may appoint an administrative law judge, trained and experienced in personnel matters, to initially hear the matter. Upon hearing, the administrative law judge shall make findings of fact and a recommendation to the council. The council may adopt or reject the recommendation of the administrative law judge or request that the judge hold further factual hearings prior to the council's decision.
- (4) The council may then affirm, modify, vacate, or set aside the order for disciplinary action.
- (5) The aggrieved party shall, upon demand, be granted a public hearing, at which he may appear in person or by counsel or both.
- (6) After the hearing, the findings and determination of the County Fire Civil Service Council shall be certified to the head of the county fire department from whose order the appeal is taken. Notice in writing of the determination shall be served upon the person affected.
- (7) The council determination shall be enforced and followed by the head of the fire department until an appeal is taken to the district court by any affected person.

Amended by Chapter 227, 1993 General Session